

THE HONORABLE DAVID G. ESTUDILLO

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

OSURE BROWN, on his own behalf and
on behalf of other similarly situated
persons,

Plaintiff,

v.

TRANSWORLD SYSTEMS, INC., *et al.*,

Defendants.

No. 2:20-cv-00669-DGE

STIPULATION AND ORDER
CONSOLIDATING CASES

STIPULATION REGARDING CONSOLIDATION

All Parties, through their respective counsel, stipulate as follows:

WHEREAS, the Parties previously filed a letter stating that they had been conferring regarding the consolidation of two cases currently pending in this Court before the Honorable David G. Estudillo: *Osure Brown v. Transworld Systems, Inc.* (No. 2:20-CV-00669) (“*O. Brown*”) and *Tommy Brown v. Transworld Systems, Inc.* (No. 2:20-CV-00680) (“*T. Brown*”) after removal by the Defendants from the state court;

WHEREAS, the remaining claims in each putative class action case relate to alleged actions undertaken to collect on the same ten student loans for the Plaintiff in O. Brown (who is the primary borrower) and the Plaintiff in T. Brown (who is the co-borrower);

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1 WHEREAS, the Parties also believe at this stage that consolidation will result in
 2 substantial efficiencies in regard to streamlining the remaining discovery, motions practice, and
 3 the time and cost to the Parties and preservation of Court resources;

4 WHEREAS, pursuant to Federal Rule of Civil Procedure 42 and Local Rule 42, the
 5 Parties have met and conferred and, for the foregoing reasons, agree that the O. Brown and T.
 6 Brown cases should be consolidated for all purposes, class certification, discovery, and trial; and

7 WHEREAS, both cases were filed April 6, 2020, in Washington Superior Court for King
 8 County, and the O. Brown case was the first of the two cases removed to this Court and has the
 9 lower case number;

10 The Parties stipulate to, and request that the Court enter the following
 11 Order:

12 ORDER OF CONSOLIDATION

- 13 1. The O. Brown and T. Brown cases are consolidated under the O. Brown case number
 14 No. 2:20-CV-00669, with a caption as follows:

15 *Osure Brown and Tommy Brown, each on his own behalf and on behalf of other*
 16 *similarly situated persons, Plaintiffs v. Transworld Systems, Inc., U.S. Bank National*
 17 *Association, Patenaude & Felix APC, National Collegiate Student Loan Trust 2004-*
 18 *1, National Collegiate Student Loan Trust 2004-2, National Collegiate Student Loan*
 19 *Trust 2005-1, National Collegiate Student Loan Trust 2005-2, National Collegiate*
 20 *Student Loan Trust 2005-3, National Collegiate Student Loan Trust 2006-1, National*
 21 *Collegiate Student Loan Trust 2006-2, National Collegiate Student Loan Trust 2007-*
 22 *1, and National Collegiate Student Loan Trust 2007-2, Defendants*

- 23 2. Plaintiffs will propose to Defendants a consolidated complaint (the “Consolidated
 24 Complaint”) that combines, but does not enlarge or alter, the remaining allegations
 25 and causes of actions set forth in the Second Amended Complaint from the O. Brown
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1 case (ECF 139) and the Amended Complaint from the T. Brown case (ECF 104) by
2 January 12, 2024.

- 3 3. The Parties will meet and confer regarding any objections to the Consolidated
4 Complaint before January 26, 2024.
- 5 4. The agreed-upon Consolidated Complaint will be filed no later than January 26, 2024.
- 6 5. In the event the Parties cannot reach agreement on the scope of the Consolidated
7 Complaint, the Plaintiffs shall file a Motion for Leave to File a Consolidated
8 Complaint, in a form consistent with paragraph 2 of this Stipulation, no later than
9 January 29, 2024.
- 10 6. Defendants shall answer or move to dismiss the Consolidated Complaint by February
11 27, 2024, if the Parties agree upon a Consolidated Complaint, or within 21 days of
12 any order by this Court on the Motion for Leave to File a Consolidated Complaint. If
13 any Defendant files a motion to dismiss, Plaintiffs' opposition shall be due 30 days
14 from the date that Defendant(s) filed the motion(s), and Defendant(s)' reply shall be
15 due 30 days from the date of Plaintiffs' opposition(s). The Noting Date for any
16 motion to dismiss shall be the first Friday after the date that the Defendants' reply is
17 due.
- 18 7. The Parties agree that discovery may continue and proceed during the pendency of
19 any motions to dismiss the Consolidated Complaint that may be filed, subject to the
20 following deadlines, which are adapted from the scheduling order in the T. Brown
21 case dated October 23, 2023 (ECF 159). Discovery conducted to date in the T.
22 Brown case shall be treated as if it were taken in the consolidated case.

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<u>EVENT</u>	<u>DATE</u>
Defendants' disclosure of experts relating to class certification and disclosure of available deposition dates	June 30, 2024
Discovery deadline for class certification fact issues	August 12, 2024
Plaintiffs' disclosure of rebuttal experts re: class certification and disclosure of available deposition dates for rebuttal expert	August 12, 2024
Defendants' disclosure of rebuttal experts re: class certification and disclosure of available deposition dates for rebuttal expert	September 2, 2024
Deadline to complete expert depositions	October 2, 2024
Plaintiffs' motion for class certification due	October 14, 2024 or 45 days after the Court's order on any motions to dismiss the Consolidated Complaint, whichever is later.
Any defendant may file a dispositive motion relating to loan ownership related to Plaintiffs due	October 14, 2024 or 45 days after the Court's order on any motions to dismiss the Consolidated Complaint, whichever is later.
Defendants' response to Plaintiffs' motion for class certification due	November 15, 2024 or 90 days after the Court's order on any motions to dismiss the Consolidated Complaint, whichever is later.
Plaintiffs' response to any dispositive motion relating to loan ownership related to Plaintiffs due	November 15, 2024 or 90 days after the Court's order on any motions to dismiss the Consolidated Complaint, whichever is later.

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Plaintiffs' reply to motion for class certification due	December 20, 2024 or 135 days after the Court's order on any motions to dismiss the Consolidated Complaint, whichever is later.
Any reply on motion relating to loan ownership related to Plaintiffs due	December 20, 2024 or 135 days after the Court's order on any motions to dismiss the Consolidated Complaint, whichever is later.
Noting date for motion for class certification and Trusts' motion relating to loan ownership (if filed)	December 27, 2024 or the first Friday one week after 135 days from the Court's order on any motions to dismiss the Consolidated Complaint, whichever is later.
Oral argument on motion for class certification and Trusts' motion relating to loan ownership, if deemed necessary by the Court	To be set by the Court, if needed.
Class notice and opt-out period, expert disclosures relating to merits, fact discovery, all other dispositive motions, pre-trial and trial deadlines	To be set by the Court after ruling on class certification and loan ownership, if needed.

8. All deadlines regarding responses to the Second Amended Complaint in O. Brown and regarding discovery in T. Brown are vacated and replaced by the foregoing deadlines agreed to by the Parties and approved by the Court for the consolidated action.

9. Defendant Patenaude & Felix, APC's Motion to Deny Class Allegations in T. Brown (ECF Nos. 144, 148) and the response thereto is withdrawn without prejudice.

10. The extension of the above deadlines does not alter or modify any other rights or responsibilities of the Parties except as stated herein, permitted by law, or under the

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1 Federal Rules of Civil Procedure, or the Local Civil Rules. Any party may file
2 whatever motions they believe are just and appropriate in accordance to the same
3 authorities.

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5 IT IS SO ORDERED.

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7 DATED this 17th day of January 2024.

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David G. Estudillo
United States District Judge
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Presented by:

HENRY & DEGRAAFF, P.S.

By: /s/ Christina L. Henry
Christina L. Henry, WSBA No. 31273
10728 16th Ave SW
Seattle, WA 98146
Telephone: 206.330.0595
Facsimile: 206.400.7609
chenry@HDM-legal.com

Counsel for Plaintiffs

BORISON FIRM, LLC

By: /s/ Scott Borison
Scott Borison, *Pro Hac Vice*
5830 E. Second St., #95943
Casper, WY 82609
scott@borisonfirm.com

Counsel for Plaintiff

CORR CRONIN LLP

By: /s/ Emily J. Harris
Emily J. Harris, WSBA No. 35763
Benjamin C. Byers, WSBA No. 52299
1001 Fourth Avenue, Suite 3900
Seattle, WA 98154
eharris@corrchronin.com
bbyers@corrchronin.com

*Attorneys for Defendants
Transworld Systems Inc.*

CONSUMER LAW CENTER, LLC

By: /s/ Phillip Robinson
Phillip Robinson, *Pro Hac Vice*
10125 Colesville Road, Suite 378
Silver Spring, MD 20901
phillip@marylandconsumer.com

Counsel for Plaintiffs

SESSIONS, ISRAEL & SHARTLE

By: /s/ Bryan C. Shartle, Esq.
Bryan C. Shartle, *Pro Hac Vice*
Justin Homes, *Pro Hac Vice*
Bradley St. Angelo, *Pro Hac Vice*
3838 N. Causeway Boulevard, Suite 2800
Metairie, LA 70002-8319
bshartle@sessions.legal
jhomes@sessions.legal
bstangelo@sessions.legal

*Attorneys for Defendants
Transworld Systems Inc.
JONES DAY*

By: Albert J. Rota
Albert J. Rota, *Pro Hac Vice*
2727 North Harwood St.
Dallas, TX 75201
ajrota@jonesday.com

*Attorneys for Defendants
U.S. Bank National Association*

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PERKINS COIE LLP

LEE SMART, P.S., INC.

By: /s/ Kristine E. Kruger

By: /s/ Marc Rosenberg

Kristine E. Kruger, WSBA No. 44612
1201 Third Avenue, Suite 4900
Seattle, WA 98101
Telephone: 206.359.8000
Facsimile: 206.359.9000
KKruger@perkinscoie.com

Marc Rosenberg, WSBA No. 31034
1800 One Convention Place
701 Pike St.
Seattle, WA 98101
Mr@leesmart.com

Attorneys for Defendants

*Attorneys for Defendants
Patenaude & Felix, APC*

*U.S. Bank National Association, National
Collegiate Student Loan Trust 2004-1,
National Collegiate Student Loan Trust 2004-
2, National Collegiate Student Loan Trust
2005-1, National Collegiate Student Loan
Trust 2005-2, National Collegiate Student
Loan Trust 2005-3, National Collegiate
Student Loan Trust 2006-1, National
Collegiate Student Loan Trust 2006-2,
National Collegiate Student Loan Trust 2007-
1, National Collegiate Student Loan Trust
2007-2*

TROUTMAN PEPPER HAMILTON
SANDERS LLP

By: /s/ Justin G. Weber

Justin G. Weber

TROUTMAN PEPPER HAMILTON
SANDERS LLP

100 Market Street, Suite 200
P.O. Box 1181
Harrisburg, Pennsylvania 17108-1181
Phone: 717.255.1155
Fax: 717.238.0575 Email:
justin.weber@troutman.com

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1 Timothy St. George
2 Noah J. DiPasquale
3 1001 Haxall Point, 15th Floor
4 Richmond, VA 23219
5 Phone: 804.697.1200
6 Timothy.St.George@troutman.com
7 Noah.DiPasquale@troutman.com

8 *Attorneys for Defendants*

9 *National Collegiate Student Loan Trust 2004-*
10 *1, National Collegiate Student Loan Trust*
11 *2004-2, National Collegiate Student Loan*
12 *Trust 2005-1, National Collegiate Student*
13 *Loan Trust 2005-2, National Collegiate*
14 *Student Loan Trust 2005-3, National*
15 *Collegiate Student Loan Trust 2006-1,*
16 *National Collegiate Student Loan Trust 2006-*
17 *2, National Collegiate Student Loan Trust*
18 *2007-1, National Collegiate Student Loan*
19 *Trust 2007-2*

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